

**ZONING COMMITTEE
MINUTES
WEDNESDAY, NOVEMBER 1, 2006**

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, November 1, 2006** in Committee Room #2, at 11: 07 a.m.

The following members were present:

**The Honorable Carla Smith, Chair
The Honorable Mary Norwood, Vice Chair
The Honorable Howard Shook
The Honorable Anne Fauver
The Honorable Natalyn Archibong
The Honorable Joyce Sheperd**

The following member was absent:

The Honorable C. T. Martin

Others present at the meeting were, Charletta Wilson Jacks, Zoning Administrator, Department of Planning and Community Development; City Attorneys Lem Ward, Peter Andrews, Terry Grandison and Jeffrey Haymore, Law Department; and members of the Public and Council staff.

**A. ADOPTION OF AGENDA - ADOPTED BY ADDING 3 PIECES OF
LEGISLATION**

B. APPROVAL OF MINUTES - APPROVED

CONSENT AGENDA

C. ORDINANCES FOR FIRST READING

06-O-2302 (1) An Ordinance by Zoning Committee to rezone from the RG-2
Z-06-119 (Residential General-Sector 2) District to the RG-3

(Residential General-Sector 3) District, property located at
34 and 36 Peachtree Avenue, NE, fronting approximately
60.13 feet on the north side of Peachtree Avenue.

Depth: Approximately 233 Feet

Area: Approximately 0.64 Acre

Land Lot: 100, 17th District, Fulton County, Georgia

Owners: MRK Investments, LLC and Dan Harrar

Applicant: Peachtree Avenue Brownstones, LLC

NPU-B

Council District 7

**FAVORABLE - TO BE REFERRED TO ZRB AND ZONING
COMMITTEE**

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CONSENT AGENDA

C. ORDINANCES FOR FIRST READING (CONT'D)

06-O-2303 (2) An Ordinance by Zoning Committee to rezone from the RL-C
Z-06-118 (Residential Limited-Commercial) District to the C-1
 (Community Business) District, property located at **3144**
East Shadowlawn Avenue, NE, fronting approximately 57
 feet on the south side of East Shadowlawn Avenue,
 beginning approximately 307 feet from the southeast corner
 of Peachtree Road.

Depth: Approximately 125 Feet
Area: Approximately 0.163 Acre
Land Lot: 61, 17th District, Fulton County, Georgia
Owner: Atloon Properties, LLC
Applicant: 3183 Peachtree Road Partners, LP c/o
Smith, Grambrell and Russell

NPU-B **Council District 7**

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

06-O-2304 (3) An Ordinance by Zoning Committee to rezone from the R-4
Z-06-117 (Single-Family Residential) District to the RG-3 (Residential
 General-Sector 3) District, property located at 959
Constitution Road, SE, fronting approximately 463 feet on
 the south side of Constitution Road beginning approximately
 100 feet west from the intersection of Constitution Road and
 Stonewall Drive.

Depth:	Varies
Area:	Approximately 5.0 Acres
Land Lot:	6, 14 th District, Fulton County, Georgia
Owner:	Moses Ray
Applicant:	Sunni L. Curl

NPU-Z **Council District 1**

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

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CONSENT AGENDA

C. ORDINANCES FOR FIRST READING (CONT'D)

06-O-2305 (4)
Z-06-116

An Ordinance by Zoning Committee to rezone from the C-2-C (Community Service-Conditional) District and R4-A (Single-Family Residential) District to the MRC-3 (Mixed Residential Commercial 3) District, property located at **438-472 McDonough Boulevard, SE and 1395-1459 Gault Street, SE**, fronting approximately 381 feet on the north side of McDonough Boulevard and approximately 846 feet on the west side of Gault Street.

Depth: Varies
Area: Approximately 7.17 Acres
Land Lot: 41, 14th District, Fulton County, Georgia
Owner: Sawtell Development Partners
Applicant: John A. Bell

NPU-Y **Council District 1**

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

06-O-2306 (5)
Z-06-115

An Ordinance by Zoning Committee to rezone from the R4-A (Single-Family Residential) District to the PD-H (Planned Development-Housing) District, property located at **2391, 2411, 2417 Cook Street, NW and 2381 Main Street, NW**, fronting approximately 131 feet on the northwesterly side of Main Street and abutting the Southern Railway right-of-way on the southern boundary.

Depth: Varies
Area: Approximately 2.67 Acres
Land Lot: 245, 17th District, Fulton County, Georgia
Owner: Mark E. Mather
Applicant: John A. Bell

NPU-D **Council District 9**

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

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CONSENT AGENDA

C. ORDINANCES FOR FIRST READING (CONT'D)

06-O-2307 (6)
Z-06-114 An Ordinance by Zoning Committee to amend Ordinance 05-O-0749 which amended the Site Plan for property located at **1050 Techwood Drive, NW**, for the purpose of a site plan amendment for property rezoned to C-3-C (Commercial Residential-Conditional); and for other purposes.

Depth: Varies

Area: Approximately 29.63 Acres

Land Lot: 107, 17th District, Fulton County, Georgia

Owner: Turner Broadcasting System, Inc.

Applicant: Turner Broadcasting System, Inc.

NPU-E

Council District 2

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

06-O-2308 (7)
Z-06-113 An Ordinance by Zoning Committee to rezone from the SPI-6 (Poncey Highland Special Public Interest) District to the C-1 (Community Business) District, property located at **863 Ponce de Leon (rear), NE**, fronting approximately 63 feet on the east side of Barnett Street, beginning 150 feet from the westerly corner of Barnett Street and Ponce de Leon Avenue.

Depth: Approximately 74 Feet

Area: Approximately 0.861 Acre

Land Lot: 17, 14th District, Fulton County, Georgia

Owner: Robert T. Budd

Applicant: Kevin A. Ross

NPU-N

Council District 6

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

06-O-2309 (8)
Z-06-112 An Ordinance by Zoning Committee to rezone from the C-1 (Community Business) District to the C-3-C (Commercial Residential-Conditional) District, property located at **2561 Bolton Road, NW, 2338, 2346, 2358, 2372, 2380 and 2390 Coronet Way, NW, 2400 Coronet Way, NW, and 2611 Bolton Road, NW**, property fronts approximately 640 feet along the northwesterly side of Coronet Way, approximately 607 feet along the south side of Bolton Road and approximately 665 feet along the north side of Marietta Boulevard.

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CONSENT AGENDA

C. ORDINANCES FOR FIRST READING (CONT'D)

Depth: Varies
Area: Approximately 11 Acres
Land Lot: 130, 17th District, Fulton County, Georgia
Owners: Coronet Way, LLC, Robert R. Parrish and
Louis Pichulik
Applicant: Coronet Way, LLC/ c/o Herbet Ames,
Edens and Avant

NPU-C

Council District 9

**FAVORABLE - TO BE REFERRED TO ZRB AND ZONING
COMMITTEE**

06-O-2310 (9)
Z-06-105C

An Ordinance by Zoning Committee to rezone from the R-1 (Single-Family Residential) District to the R-4B (Single-Family Residential) District, property located at **1675 Kimberly Road, SW**, fronting approximately 1,600 feet on the west side of Kimberly Road.

Depth: Varies
Area: Approximately 48.47 Acres
Land Lot: 30, 14th ff District, Fulton County, Georgia
Owner: Kimberly OSCPI, LLC
Applicant: Michael Hightower

NPU-P

Council District 11

**FAVORABLE - TO BE REFERRED TO ZRB AND ZONING
COMMITTEE**

06-O-2311 (10)
Z-06-105B

An Ordinance by Zoning Committee to rezone from the R-1 (Single-Family Residential) District to the R-4B (Single-Family Residential) District, property located at **0 Kimberly Road, SW**, fronting approximately 237 feet on the south side of Melvin Drive and approximately 915 feet on the east side of Kimberly Road. Property abuts the Seaboard Coast Line.

Depth: Varies
Area: Approximately 15.29 Acres
Land Lot: 30, 14th ff District, Fulton County, Georgia
Owner: Kimberly OSCPI, LLC
Applicant: Michael Hightower

NPU-P

Council District 11

**FAVORABLE -TO BE REFERRED TO ZRB AND ZONING
COMMITTEE**

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CONSENT AGENDA

C. ORDINANCES FOR FIRST READING (CONT'D)

06-O-2312 (11) An Ordinance by Zoning Committee to rezone from the R-1
Z-06-105A (Single-Family Residential) District to the R-4B (Single-Family Residential) District, property located at **1785 Kimberly Road, SW**, fronting approximately 118 feet on the north side of Melvin Drive and approximately 1,000 feet on the east side of Kimberly Road. Property abuts the Seaboard Coast Line.

Depth: Varies
Area: Approximately 29.32 Acres
Land Lot: 30, 14th ff District, Fulton County, Georgia
Owner: Kimberly OSCPI, LLC
Applicant: Michael Hightower
NPU-P Council District 11

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

06-O-2313 (12) An Ordinance by Zoning Committee granting a Special Use
U-06-28 Permit for a Hotel (Section 16-11.005(1)(h)), property located at **1150, 838 Holly Street, NW, 1800 Howell Mill Road, NW, 1796 Howell Mill Road, NW and 1810 Howell Mill Road, NW, Tract 1** - fronting 245 feet on the unimproved right-of-way Springs Grove Avenue; **Tract 2** - fronting approximately 58 feet on the west side of Howell Mill Road, **Tract 3** - fronting approximately 305 feet on the west side of Howell Mill Road.

Depth: Varies
Area: Approximately 6.81 Acres
Land Lot: 152, 17th District, Fulton County, Georgia
Owners: Natala Corporation/Emerson Hoffman
Applicant: Dan Fitzpatrick
NPU-D Council District 9

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

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CONSENT AGENDA

C. ORDINANCES FOR FIRST READING (CONT'D)

06-O-2314 (13) An Ordinance by Zoning Committee granting a Special Use
U-06-27 Permit for a Church (Section 16-06.005(1)(c)), property
located at **1150 Philadelphia Avenue, SW**, fronting
approximately 349 feet on the east side of Philadelphia
Avenue.
Depth: Varies
Area: Approximately 1.61 Acres
Land Lot: 183, 14th District, Fulton County, Georgia
Owner: Philadelphia Baptist Church
Applicant: Lee Mayweather
NPU-S Council District 11

**FAVORABLE - TO BE REFERRED TO ZRB AND ZONING
COMMITTEE**

D. ZRB SUMMARY REPORT

E. ORDINANCES FOR SECOND READING

06-O-2264 (1) An Ordinance by Zoning Committee to amend Ordinance U-
U-75-1 75-1, as adopted by the City Council on April 7, 1975 and
approved by the Mayor on April 15, 1975, for the purpose of
approving a Transfer of Ownership for a Special Use Permit
for a Day Care Center for property located at **1041 Monroe
Drive, NE**; and for other purposes.

**Councilmember Shook made a motion to approve. The
vote was unanimous.**

FAVORABLE

06-O-2265 (2) An Ordinance by Zoning Committee to amend Ordinance U-
U-75-2 75-2, as adopted by the City Council on April 7, 1975 and
approved by the Mayor on April 15, 1975, for the purpose of
approving a Transfer of Ownership for a Special Use Permit
for a Day Care Center for property located at **608 Cooledge,
NE (604 Cooledge, NE)**; and for other purposes.

**Councilmember Shook made a motion to approve. The
vote was unanimous.**

FAVORABLE

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E. ORDINANCES FOR SECOND READING

- 06-O-2283 (3) An Ordinance by Councilmembers Joyce M. Sheperd and Cleta Winslow authorizing the Mayor or her designee to place interim development controls on construction on all vacant parcels in the Murphy Triangle (lying within the boundaries of Murphy Avenue, Warner Street, Allene Avenue and Sylvan Road) for a period not to exceed nine (9) months; and for other purpose. **(Held 11/1/06 at the request of the author of the legislation)**

HELD

F. PAPERS HELD IN COMMITTEE

- 06-O-0038 (1) An Ordinance by Councilmember Carla Smith to
Z-05-56 amend Various Sections of the Zoning Code of the City of Atlanta, for the purpose of clarifying and/or defining certain terms related to Supportive Housing; to provide how applications for such uses are to be processed; defining the term Community Center and removing certain redundant terms related to such use; redefining the conditions under which dormitories, Sorority Houses and Fraternity Houses are permitted; deleting rooming houses and boarding houses as permitted uses in certain districts; and for other purposes. **(Held 2/1/06 for further review)**

HELD

- 06-O-0273 (2) An Ordinance by Councilmembers Carla Smith, Ivory Lee Young, Jr. and Cleta Winslow correcting Ordinance Number 04-O-0179/Z-04-24 which amended Section 16-29.001(16) "Human Services" including Personal Care Homes, Rehabilitation Centers and Nursing Homes by clarifying and/or redefining certain terms; and for other purposes. **(Held 2/1/06 for further review)**

HELD

F. PAPERS HELD IN COMMITTEE (CONT'D)

HELD

HELD

HELD

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F. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-0145 (6)
Z-05-134 An Ordinance by Zoning Committee to rezone from the R-4 (Single-Family Residential) District to the PD-H (Planned Development-Housing) District, property located at **2228 Bicknell Street, SE**, fronting approximately 257.5 feet on the southeast side of Bicknell Street, beginning 109 feet from the southeast corner of Bagwell Drive. **(Held 8/16/06 at the request of the Councilmember of District 12)**

Depth: Varies
Area: Approximately 3.5 Acres
Land Lot: 70, 14th District, Fulton County, Georgia
Owner: Portfolio Properties Construction Co., LLC.
Applicant: Portfolio Properties Construction Co., LLC.
NPU-Z Council District 12

HELD

06-C-2148 (7) A Communication by Councilmembers Natalyn Archibong, District 5; Anne Fauver, District 6; Howard Shook, District 7; Clair Muller, District 8 and Mary Norwood, Post 2 At-Large, appointing **Mr. Henry Bryant** to serve as a member of the Board of Zoning Adjustment in the Lay Position Category. This appointment is for a term of three (3) years, scheduled to begin on the date of Council confirmation. **(Held 10/11/06 to allow appointee the opportunity to come before the Committee)**

FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL

06-O-1805 (8)
Z-06-86 An Ordinance by Zoning Committee to rezone from the I-2 (Heavy Industrial) District to the MR-4A (Multi-Family Residential) District, property located at **1246 Allene Avenue, SW**, fronting approximately 300 feet on the east side of Allene Avenue, beginning approximately 228 feet from the northeast corner of Erin Avenue. **(Held 11/1/06 pending CDP Public Hearing)**

Depth: Varies
Area: Approximately 8.93 Acres
Land Lot: 105, 14th District, Fulton County, Georgia
Owner: Allene Avenue Redevelopment, LLC
Applicant: Allene Avenue Redevelopment, LLC
NPU-X Council District 12

HELD

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F. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-1950 (9) An Ordinance by Zoning Committee to rezone from the R-5
Z-06-92 (Single-Family Residential) District to the RG-4 (Residential
General-Sector 4) District, property located at **575
Boulevard, SE, (578 Rosalia Street, SE)**, fronting
approximately 100 feet on the west side of Boulevard. **(Held
11/1/06 pending CDP Public Hearing)**

Depth: Varies
Area: Approximately 0.339 Acre
Land Lot: 44, 14th District, Fulton County, Georgia
Owner: Atlanta Decatur Oxford District United
Methodist Church, Bobby A. Jones, Trustee
Chair

Applicant: Jeffrey L. Wilson

NPU-W

Council District 1

HELD

06-O-1952 (10) An Ordinance by Zoning Committee to rezone from the O-I
Z-06-95 (Office-Institutional) District to the C-1 (Community
Business) District, property located at **890 Conley Road,
SE**, fronting approximately 804.11 feet on the north side of
Conley Road, beginning 957 feet from the northeast corner of
Jonesboro Road and Conley Road. **(Held 11/1/06 pending
CDP Public Hearing)**

Depth: Varies
Area: Approximately 68.32 Acres
Land Lots: 1, 31 and 32, 14th District, Fulton County,
Georgia

Owner: Don Scott

Applicant: Travis Pruitt

NPU-Z

Council District 12

HELD

06-O-1953 (11) An Ordinance by Zoning Committee to rezone from the I-1
Z-06-96 (Light Industrial) District to the R-4 (Single-Family Residential)
District, property located at **568 Trabert Avenue, NW**, fronting
approximately 280 feet on the south side of Trabert Avenue. **(Held
11/1/06 pending CDP Public Hearing)**

Depth: Varies
Area: Approximately 0.53 Acre
Land Lot: 148, 17th District, Fulton County, Georgia
Owner: Jamal L. Lewis

Applicant: Rebecca S. Burney

NPU-E

Council District 8

HELD

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F. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-1955 (12) An Ordinance by Zoning Committee to rezone from the PD-H
Z-06-99 (Planned Development-Housing) District to the PD-MU
 (Planned Development-Mixed-Use) District, property located
 at **1602 Johnson Road, NW and 1380/1430 Rockdale**
Street, NW, fronting approximately 234 feet on the east side
 of Johnson Road, beginning 484.46 feet from the northwest
 corner of Rockdale Street. **(Held 11/1/06 pending CDP**
Public Hearing)

Depth: Approximately 1,832 Feet

Area: Approximately 12.0 Acres

Land Lots: 225 and 190, 17th District, Fulton County,
 Georgia

Owner: Northwest Intown Development, LLC

Applicant: Brock Built, LLC

NPU-G

Council District 9

HELD

06-O-0955 (13) An Ordinance by Zoning Committee to rezone from the I-1-C
Z-06-44 (Light Industrial-Conditional) District to the MR5-A (Multi-
 Family Residential) District, property located at **1155 Hill**
Street, SE, fronting approximately 350 feet on the west side
 of Hill Street and approximately 272 feet on the north side of
 Englewood Avenue. **(Held 11/1/06 pending CDP Public**
Hearing)

Depth: Varies

Area: Approximately 8.719 Acres

Land Lot: 55, 14th District, Fulton County, Georgia

Owner: Jack and Harvey Taffel

Applicant: Chaz E. Waters/Skyline Partners, LLC.

NPU-Y

Council District 1

HELD

G. ITEMS NOT ON THE AGENDA (CONT'D)

Councilmember Smith made a motion to approve. The vote was unanimous.

Councilmember Smith made a motion to approve. The vote was unanimous.

Councilmember Smith made a motion to approve. The vote was unanimous.

FAVORABLE

**SUMMARY REPORT
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LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM.
<u>FAVORABLE</u>						
06-O-0957	Z-06-46	156-212 Lakewood Way, SE (Y-12)	R-4 to MR-2	Approval of a Substitute Ordinance	Approval Conditional	Approval of a Substitute Ordinance
Councilmember Sheperd made a motion to approve. The vote was unanimous.						
06-O-0276	Z-06-08	Text Amendment	Redefine Principal Occupant	Approval	See Worksheet	Approval
Councilmember Shook made a motion to approve. The vote was unanimous.						
06-O-0967	Z-06-50	Text Amendment	Allow temporary construction fences to be decorative	Approval	See Worksheet	Approval
Councilmember Shook made a motion to approve. The vote was unanimous.						
<u>FAVORABLE AS AMENDED</u>						
06-O-1956	Z-06-100	1374 Murphy Avenue, SW (X-12)	I-2 to MR-4A-C	Approval Conditional	Approval	Approval Conditional
Councilmember Shook made a motion to approve as amended. The vote was unanimous.						
06-O-0952	Z-06-39	788, 846 and 856 Canterbury Road, NE (B-7)	R-3 to RG-2-C	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Shook made a motion to approve as amended. The vote was unanimous.						

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LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM.
06-O-1949	Z-06-87	708 Jefferson, 694 Jefferson, 694 Jefferson (rear), 694 Julian, 747 Julian, 752 Echo, 736 Echo, 740 Bedford, 733 Echo, 727 (rear), 733 Echo, 723 Echo, 713 Echo, 695 Wheeler, 626 Wheeler, 0 Echo and 673 Wheeler (L-3)	I-2 to MRC-3-C	Approval Conditional	Approval of MRC-2, No Approval of MRC-3	Approval Conditional of MRC-3
Councilmember Norwood made a motion to approve as amended. The vote was unanimous.						
06-O-1190	U-06-13	788,846 and 856 Canterbury Road, NE (B-7)	Special Use Permit for a Cemetery	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Shook made a motion to approve as amended. The vote was unanimous.						
06-O-1811	U-06-18	280 Luckie Street (M-2)	Special Use Permit for a Helicopter Landing Facility	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Shook made a motion to approve as amended. The vote was unanimous.						
<u>Adverse</u>						
06-O-1070	Z-06-60	2225 Bohler Road, NW (C-9)	R-3 to MR-2	Approval Conditional	Denial	Denial

Councilmember Shook made a motion to adverse. The vote was unanimous.

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There being no further business to come before the Zoning Committee the meeting was adjourned at 11:40 a.m.

Respectfully submitted:



Angela H. Campbell, Legislative Secretary



Alfred Berry, Jr., Research & Policy Analyst



The Honorable Carla Smith, Chairperson